

REMARKS

Summary of Office Action

Claims 1, 2, 4-9, 18, and 21-23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/420,786 in view of Fujimori et al. (US Pat. No. 5,771,984) and Yamada et al. (U.S. Patent No. 5,751,382).

Summary of Amendment

None of the claims have been amended at this time. Accordingly, claims 1, 2, 4-9, 18 and 21-23 are currently pending and under further consideration.

Provisional Double Patenting Rejection

Claims 1, 2, 4-9, 18, and 21-23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/420,786 (“the ‘786 Application”) in view of Fujimori et al. (US Pat. No. 5,771,984) and Yamada et al. (U.S. Patent No. 5,751,382). Applicant respectfully traverses this rejection and requests reconsideration.

An Amendment canceling claims 13-32 of the ‘786 Application without prejudice or disclaimer is being filed on an even date herewith. Thus, only claims 1-12 and 33-38 remain in the ‘786 Application. A copy of the Amendment in the ‘786 Application can presumably be found on the USPTO image file wrapper for reference. Even though the pending provisional obviousness-type double patenting rejection is purportedly based on claims 1-38 of the ‘786 Application, the Office relies on and cites to features of claim 13 of the ‘786 Application in its

rejection of claims in this application, and does not rely on claims 1-12 and 33-38 of the '786 Application. The Office does not allege, and makes no attempt to explain, that claims 1, 2, 4-9, 18, and 21-23 of this present application are unpatentable over claims 1-12 and 33-38 (i.e., the only remaining claims) of the '786 Application. Since claims 13-32 of the '786 Application are now canceled, the '786 Application cannot serve as a basis for the provisional obviousness-type double patenting rejection. Accordingly, Applicant respectfully requests that the rejection be withdrawn and all pending claims allowed.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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